

MAR 24 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK XPAUL THOMPSON,  
Plaintiff,

-against-

CORPORATION COUNSEL,  
DEFENDANTS, X

March

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/25/08

Re: Paul Thompson v. Corporation Counsel, et al, 07 Civ. 2831 (RPP)

Your Honor:

I am the Pro Se Plaintiff Paul Thompson in the above-referenced matter. I write with regard to the above-reference matter for several reasons.

The Defendants have failed to provide Plaintiff with the follow up diagnosis for the injuries sustained from incident regarding this matter. I have asked the State Dept. of Correction to provide me with a copy of my medical file to no avail for discovery purposes. I've had a hernia operation, and must have surgery on my vertabrae due to the above-referred matter. I have been stoned walled from access to my records. Please subpoena my records for an in camera inspection for litigation in this matter.

On June 5, 2007, I amended my complaint under 42 U.S.C. § 1983, Rule 15(a) F.R.C.P.; after my Article 78 involving same above-referred matter was resolved in my favor for a violation of my Due Process rights under Federal Law. I followed all instruction by sending copies to all Defendants. (See attached). I now ask that the complaint be reconsider for the purpose of amending to my original complaint. This amended complaint involves the same above-referred matter, and would cost the Courts, Defendants and Plaintiff unnecessary expense by Plaintiff filing another lawsuit.

Thank you for your consideration herein.

SEE TYPEWRITTEN MEMO  
ENDORSEMENT ATTACHED

Respectfully Submitted,

*Paul Thompson*  
P. Thompson Pro Se

SWORN TO ME ON THIS  
19<sup>th</sup> DAY OF March 2008

*Curtis F. Poirier*

c/c corp. counsel

CURTIS F. POIRIER  
Notary Public, State of New York  
Qualified in Warren County  
No. 01PO6122732  
Commission Expires February 22, 2009

Application Denied in Part  
5/24/08 Plaintiff is ordered to confer with  
the Pro Se office of the Court to  
obtain a copy of the medical file, 2/1/08  
Plaintiff's Complaint. So ordered.  
P. Thompson Pro Se

MEMO ENDORSE

MEMO ENDORSE

Case: Paul Thompson v. Corporation Counsel, et al.  
Index No. 07 Civ. 2831 (RPP)

**MEMO ENDORSEMENT READS:**

*Application denied in part.*

*Plaintiff is ordered to confer with the Pro Se Office of this Court as to how to proceed (1) to obtain medical file, and (2) to amend complaint.*

*So ordered.*

*Robert P. Patterson, Jr., U.S.D.J., 3/24/08*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

PAUL THOMPSON,

Plaintiff,

-against-

CITY (corp. counsel);  
Depart. Of Correction  
Capt. Ptoney; Capt. Wright;  
Deputy Warden Welch DefendantsX

AMENDED COMPLAINT

UNDER THE CIVIL ACT  
42 U.S.C. § 1983  
RULE 15 (A) F.R.C.P.  
JURY TRIAL DEMANDED

07CV 2831 (RPP)

1. Plaintiff Paul Thompson Pro Se, for the complaint states as follows;
2. Plaintiff is and was at all times relevant mentioned herein an adult citizen of the United States and a resident of the City of New York.
3. The defendant City of New York, was at all times relevant mentioned herein responsible for operating, maintaining, supervising day to day operations of it's City jails, it's employees and excutes it's policies.
4. Defendant New York City Department of Correction is and was at all times relevant mentioned herein a municipal Corporation of the city of New York, and at all times relevant mentioned herein, responsible for operating, maintaining, supervising, day to day operations of it's City employees and executes it's policies.
5. This action arises and is brought pursuant to 42 U.S.C §1983 07 Civ 2831 (RPP) and amended under Rule 15 (A) of the Federal Rules of Civil Procedure to remedy violation of due process and protected liberty interest of such Plaintiff which resulted in false arrest, malicious prosecution, unlawful confinement in punitive segregation for 130 days which Plaintiff served from February 10, 2007 to April 17, 2007 (62 days), this court has jurisdiction over this action pursuant to section §§ 1983
6. This action arose in the Southern District of New York, therefore venue is proper under 28 U.S.C. §§ 1391(B).

AMENDED STATEMENT  
OF FACT'S TO ORIGINAL  
COMPLAINT FACT'S

(1)

7. Plaintiff was placed in pre-confinement on February 10, 2007; then served on February 14, 2007 with infraction for violating inmate rules 101.10 (assault on staff), 109.10 (physically resisting staff), and 120.20 (refuse a direct order)
8. The disciplinary hearing began on February 14, 2007, continued on February 16, 2007, and concluded on February 21, 2007.
9. On February 21, 2007, the hearing concluded, Plaintiff was found guilty on all charges. The Plaintiff was given 130 days punitive segregation.
10. on May 7, 2007, Plaintiff's Article 78 petition was granted. Plaintiff was denied due process and the confinement was unlawful.
11. Plaintiff was also arrested and charged with four misdemeanor counts. Plaintiff was arraigned in Bronx Criminal Court ( dates unknown), later dismissed.
12. The Plaintiff was unlawfully confined from 2/10/07 to 4/17/07 in O.B.C.C. facility; his clothing was taken, walkmen confiscated, personal food (paid for) destroyed, and hygiene items taken. ( i.e. lotion, deoderant)
13. Plaintiff was forced to attend his court appearances in a brown jumpsuit exposed to extreme temperatures without his hat, gloves or proper outer garments.
14. Plaintiff contend's that not for the unlawful use of force used by defendants, he would not have been subject to false arrest, malicious prosecution, and/or the unlawful dentention in punitive segregation.
15. Plaintiff claims that the City of New York, New York City Dept. of Correction officials were deliberately indifferent to his due process rights which resulted in unlawful punitive segregation confinement for 62 days.
16. Plaintiff was entitled to basic due process protection, when he was subjected to a disciplinary hearing resulting in his special confinement in violation of the 14th Amendment. As well as protected liberty interest, and equal protection of the law violation Const. 5th and 14th Amend. U.S.C.A.
17. Claimant seeks damages in the amount of 20,000.00\$ dollars (twenty thousand)
18. Claimant seeks punitive damages in the amount of 20,000.00\$ dollars (twenty thousand) for false arrest, malicious prosecution, unlawful confinement.
19. This action be amended to the original complaint 07 Civ2831 as one complaint on the courts calendar by request of Plaintiff as both causes of action are the result of one continous matter.
20. This action is not barred by any statue of limitation, or res judicata, or collateral estoppel.

Wherefore, I Paul Thompson Pro Se Plaintiff, prays for judgement in his favor against defendants for deliberate indifference to his due process, and protected liberty interest, equal protection Federal protected rights, which resulted in false arrest, malicious prosecution, unlawful confinement. In no event less than 140,000.00 thousand dollars, and for cost allowance, disbursement, and attorney fees and for such other and further relief as the court may deem just and proper.

I DECLARE UNDER THE PENALTY OF PERJURY 28 U.S.C §§ 1746

Signed this day of 5<sup>TH</sup> June 2007.

*Sworn before me This  
5<sup>TH</sup> day of June 2007*

*Herman Liebson*

  
Plaintiff Signature  
Paul Thompson 07A2094

HERMAN LIEBSON  
Notary Public, State of New York  
Chemung Co. Reg. No. 01LI6036197  
Commission Expires January 18, 20 10

(3)



BRONX SUPREME COURT  
CRIMINAL DIVISION

2007BX016598



THE PEOPLE OF THE STATE OF NEW YORK

v.

STATE OF NEW YORK

COUNTY OF THE BRONX

1. PAUL THOMPSON M/36

Defendant

CO RICHARD SERRANO of DOC/IU, Shield# 2037, states that on or about February 10, 2007 at approximately 8:50 AM at 1500 Hazen Street, County of the Bronx, State of New York,

THE DEFENDANT COMMITTED THE OFFENSES OF:

- |                      |  |
|----------------------|--|
| 1 (M) P.L. 120.00(1) | Assault 3^ 2 CTS                           |
| 2 (M) P.L. 205.30    | Resisting Arrest                           |
| 3 (M) P.L. 195.05    | Obstructing Governmental Administration 2^ |
| 4 (V) P.L. 240.26(1) | Harassment 2^ 2 CTS                        |

IN THAT THE DEFENDANT DID: intentionally cause physical injury; intentionally prevent or attempt to prevent a peace officer or police officer from effecting an authorized arrest of himself or another person; intentionally obstruct, impair or pervert the administration of law or other governmental function or prevented or attempted to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of an independently unlawful act, or by means of interfering, whether or not physical force was involved, with radio, telephone, television or other telecommunications owned or operated by the state or a county, city, town, village, fire district or emergency medical service and with intent to harass, annoy or alarm another person struck, shoved, kicked or otherwise subjected such other person to physical contact, or attempted or threatened to do the same.

THE GROUNDS FOR THE DEPONENT'S BELIEF ARE AS FOLLOWS:

Deponent is informed by CPT David Wright of DOC, Shield# 290, that at the above time and place, Riker's Island Correctional Facility, North Infirmary Command, informant repeatedly instructed defendant (an inmate #541-03-01635) to turn around and face the wall of the elevator and defendant refused to turn around and stated in sum and substance: I DON'T TURN AROUND, I'M NOT TURNING AROUND. Deponent is further informed by informant the informant was dressed in his official corrections uniform and was prevented by defendant's action from performing his official duties to perform inspection of NIC House-B.

Deponent is further informed by informant that, when the doors of the elevator opened defendant extended his left arm and pushed informant. Deponent is further informed by informant that, defendant struck informant in the face with a closed fist.



Deponent is further informed by informant that as a result of defendant's actions, informant suffered substantial pain to face, head, right shoulder, both hands, and swelling to both hands as well as experienced annoyance, alarm, and fear for his physical safety.

Deponent is further informed by informant that, when deponent attempted to placed defendant under arrest for the above-mentioned conduct, deponent flailed his arms, pushed informant with his hands, kicked his feet, swung several closed fist at informant and twisted and turned his body preventing deponent from placing defendant in handcuffs.

Deponent is informed by CPT Dorothea Ptomey of DOC, Shield# 884, that defendant grabbed informant by the neck and head and applied pressure causing informant to have difficulty breathing. Deponent is further informed by informant that defendant pushed informant to the ground.

Deponent is further informed by informant that as a result of defendant's actions, informant suffered substantial pain to her neck and soreness to her right eye as well as experienced annoyance, alarm, and fear for her physical safety.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE  
AS A CLASS A MISDEMEANOR PURSUANT TO P.L. 210.45

3/8/07

DATE and TIME

*[Handwritten Signature]*

SIGNATURE

7/037



BRONX SUPREME COURT  
CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF NEW YORK

v.

1. PAUL THOMPSON M/36

Defendant

SUPPORTING DEPOSITION

STATE OF NEW YORK

COUNTY OF THE BRONX

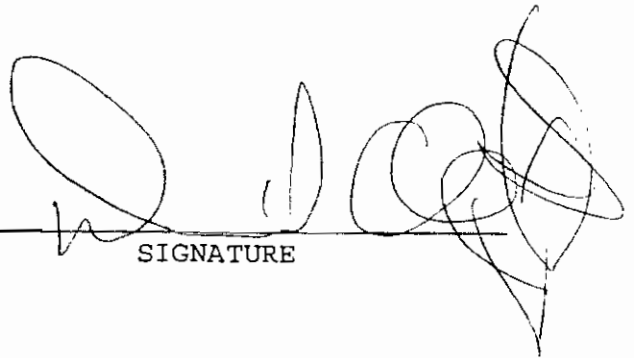
Arrest# B07619940

I, CPT David Wright of DOC, Shield# 290 say that I have read the complaint filed in the above-entitled action and attached hereto and that the facts stated in that complaint to be on information furnished by me are true upon my personal knowledge.

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE  
AS A CLASS A MISDEMEANOR PURSUANT TO P.L. 210.45

3/8/07 7:10 hours

DATE and TIME



SIGNATURE





UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
PAUL THOMPSON,  
Plaintiff,

Plaintiff,

-against-

CORPORATION COUNSEL, et al.,

Defendants.  
\_\_\_\_\_

X

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: Affirmation of Service

:

:

: 07 Civ. 2831 (RPP)

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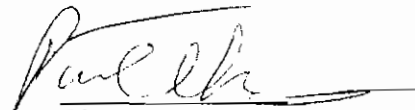
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X

I, P. THOMPSON, declare under penalty of perjury that I have served a copy of  
the attached AMENDED COMPLAINT upon CORPORATION COUNSEL, et al.,  
(name) (document you are serving) (defendant's name or counsel of)

DEPT. OF CORR., OTHER DEFENDANTS whose address is: DEPT. OF LAW 100  
(where you mailed document)  
CHURCH ST. NY, N.Y. 10007, DEPT. OF CORRECTION, 60 HUDSON ST.  
NEW YORK, NY 10013 and PRO SE CLERK, 500 PEARL ST. N NEW YORK, NY  
10007

Dated: \_\_\_\_\_  
New York, New York

  
Signature

P.O. BOX 2000

Address

PINE CITY, NY 14871

City, State, Zip Code

*Sworn before me This  
5<sup>th</sup> day of June 2007  
Herman Liebson*

HERMAN LIEBSON  
Notary Public, State of New York  
Chemung Co. Reg. No. 016036197  
Commission Expires January 16, 2010